

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CRISTIAN YOVANI HERNANDEZ LOVO,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,

Defendant.

Case No. 1: 22-cv-00220-AWI-SAB

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY MICHIGAN
DEPARTMENT OF CORRECTIONS AND
DIRECTING CLERK OF THE COURT TO
ISSUE PRISONER NEW CASE
DOCUMENTS

(ECF No. 4)

Plaintiff Cristian Yovani Hernandez Lovo, a prisoner proceeding *pro se* pursuant to 42 U.S.C. §1983, has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 4.) Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's trust account. The California Department of Corrections and Rehabilitation is required to send to the Clerk of the Court payments from plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

Notwithstanding this order, the Court does not direct that service be undertaken until the

1 Court screens the complaint in due course and issues its screening order. See 28 U.S.C. §
 2 1915(e)(2) (“the court shall dismiss a case if at any time if the Court determines that . . . the
 3 action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted;
 4 or (iii) seeks monetary relief against a defendant who is immune from such relief.”); Cato v.
 5 United States, 70 F.3d 1103, 1106 (9th Cir. 1995) (Section 1915 “authorizes a court to review a
 6 complaint that has been filed *in forma pauperis*, without paying fees and costs, on its own
 7 initiative and to decide whether the action has an arguable basis in law before permitting it to
 8 proceed.”); Ross v. Padres LP, No. 17-CV-1676 JLS (JLB), 2018 WL 280026, at *2 (S.D. Cal.
 9 Jan. 3, 2018) (“28 U.S.C. § 1915(e)(2) mandates that the court reviewing an action filed pursuant
 10 to the IFP provisions of § 1915 make and rule on its own motion to dismiss before directing the
 11 Marshal to effect service.”).

12 In accordance with the above and good cause appearing therefore, IT IS HEREBY
 13 ORDERED that:

- 14 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
- 15 2. **The Director of the Michigan Department of Corrections or their designee**
 16 **shall collect payments from Plaintiff's jail trust account in an amount equal**
 17 **to twenty per cent (20%) of the preceding month's income credited to the**
 18 **detainee's trust account and shall forward those payments to the Clerk of the**
 19 **Court each time the amount in the account exceeds \$10.00, in accordance**
 20 **with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
 21 **forwarded to the Clerk of the Court. The payments shall be clearly**
 22 **identified by the name and number assigned to this action;**
- 23 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
 24 Plaintiff's *in forma pauperis* application on the Director of the Michigan
 25 Department of Corrections and Rehabilitation;
- 26 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
 27 Department, U.S. District Court, Eastern District of California, Sacramento
 28 Division;

1 5. The Clerk of the Court is directed to issue prisoner new case documents in this
2 action; and

3 6. Within **sixty (60) days** of the date of service of this order, Plaintiff shall submit a
4 certified copy of his jail trust account statement for the six-month period
5 immediately preceding the filing of the complaint, if Plaintiff has not already
6 done so.

7
8 IT IS SO ORDERED.

9 Dated: **March 21, 2022**


UNITED STATES MAGISTRATE JUDGE